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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/814,879	03/22/2001	John Mason	04873-082001	4767
7590	10/05/2004		EXAMINER	
WATTS HOFFMAN CO LPA P O Box 99839 Cleveland, OH 44199-0839				LIM, KRISNA
		ART UNIT	PAPER NUMBER	2153

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/814,879	MASON ET AL.
	Examiner	Art Unit
	Krisna Lim	2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) \_\_\_\_\_ is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) 1-32 are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## DETAILED ACTION

1. Claims 1-32 are presented for examination.

### *Election/Restrictions*

Restriction to one of the following inventions is required under 35 U.S.C. 121:

2. Restriction to one of the following inventions is required under 35 U.S.C. § 121:

- I. Claims 1-6, 12-17 and 25-30, drawn to a **server initiated method** for implementing alerts on a browser running on a portable handheld device, comprising the steps of: a) generating an asynchronous notification action from the server; b) transmitting in response to said asynchronous notification alert ...; c) receiving the asynchronous application alert at a node on a network; d) translating the asynchronous application alert into the original message ...; and e) providing access to the alert HTML page through a URL ..., classified in Class 455, subclass 412.2.
- II. Claims 7 and 31, drawn to an apparatus and a method of **messaging in a virtual network** of spatially separate individual wireless local area network (WLANS) comprising: a) establishing a web server at an Internet node; b) connecting an access point in each of said WLANS to said Internet node; c) executing a browser program on a first mobile unit in a first WLAN; d) in a second mobile unit in a second WLAN, encoding a textual message into a packet with a destination address ...; e) transferring the packetized textual message to the web server; f) creating a web page with the textual message at the web server; g) at the web server, determining if the first mobile unit is active on the network ...; h) if the first mobile unit is active, transmitting an alert ...; and i) displaying a window on the display ... and allowing the user to enter a command ..., classified in Class 709, subclass 227.

III. Claims 8-10, drawn to a **wireless mobile network unit**, comprising: a) an input device ...; b) a display device ... , c) a processor ...; d) a transmitting device ... ; and e) a memory ... , classified in Class 455, subclass 95.

IV. Claim 11, drawn to a **wireless network** comprising: a) at least one host computer processor ...; b) a plurality of access point ...; and c) mobile wireless network units ...; classified in Class 455, subclass 3.01.

V. Claims 18-24 and 32-38, drawn to a **client initiated message delivery apparatus** comprising: a) means for establishing a connection between a client and a server; b) means for generating request from the client to the server; c) means for generating a response from the server to the client based on the request; and d) means for receiving a response at the client, classified in Class 709, subclass 237.

3. Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as a **server initiated method** for implementing alerts on a browser running on a portable handheld device, comprising the steps of: a) generating an asynchronous notification action from the server; b) transmitting in response to said asynchronous notification alert ...; c) receiving the asynchronous application alert at a node on a network; d) translating the asynchronous application alert into the original message ...; and e) providing access to the alert HTML page through a URL ...

4. Inventions I and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as a **server initiated method** for implementing alerts on a browser running on a portable handheld device, comprising the

- steps of: a) generating an asynchronous notification action from the server; b) transmitting in response to said asynchronous notification alert ...; c) receiving the asynchronous application alert at a node on a network; d) translating the asynchronous application alert into the original message ...; and e) providing access to the alert HTML page through a URL ...
5. Inventions I and IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as **a server initiated method** for implementing alerts on a browser running on a portable handheld device, comprising the steps of: a) generating an asynchronous notification action from the server; b) transmitting in response to said asynchronous notification alert ...; c) receiving the asynchronous application alert at a node on a network; d) translating the asynchronous application alert into the original message ...; and e) providing access to the alert HTML page through a URL ...
  6. Inventions I and V are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as **a server initiated method** for implementing alerts on a browser running on a portable handheld device, comprising the steps of: a) generating an asynchronous notification action from the server; b) transmitting in response to said asynchronous notification alert ...; c) receiving the asynchronous application alert at a node on a network; d) translating the asynchronous application alert into the original message ...; and e) providing access to the alert HTML page through a URL ...
  7. Inventions II and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each

other if they are shown to be separately usable. In the instant case, invention II has separate utility such as an apparatus and a method of **messaging in a virtual network** of spatially separate individual wireless local area network (WLANs) comprising: a) establishing a web server at an Internet node; b) connecting an access point in each of said WLANs to said Internet node; c) executing a browser program on a first mobile unit in a first WLAN; d) in a second mobile unit in a second WLAN, encoding a textual message into a packet with a destination address ...; e) transferring the packetized textual message to the web server; f) creating a web page with the textual message at the web server; g) at the web server, determining if the first mobile unit is active on the network ...; h) if the first mobile unit is active, transmitting an alert ...; and i) displaying a window on the display ... and allowing the user to enter a command ...

8. Inventions II and IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II has separate utility such as an apparatus and a method of **messaging in a virtual network** of spatially separate individual wireless local area network (WLANs) comprising: a) establishing a web server at an Internet node; b) connecting an access point in each of said WLANs to said Internet node; c) executing a browser program on a first mobile unit in a first WLAN; d) in a second mobile unit in a second WLAN, encoding a textual message into a packet with a destination address ...; e) transferring the packetized textual message to the web server; f) creating a web page with the textual message at the web server; g) at the web server, determining if the first mobile unit is active on the network ...; h) if the first mobile unit is active, transmitting an alert ...; and i) displaying a window on the display ... and allowing the user to enter a command ...

9. Inventions II and V are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II has separate utility such as an apparatus and a method of **messaging in a virtual network** of spatially separate individual wireless local area network (WLANs) comprising: a) establishing a web server at an Internet node; b) connecting an access point in each of said WLANs to said Internet node; c) executing a browser program on a first mobile unit in a first WLAN; d) in a second mobile unit in a second WLAN, encoding a textual message into a packet with a destination address ...; e) transferring the packetized textual message to the web server; f) creating a web page with the textual message at the web server; g) at the web server, determining if the first mobile unit is active on the network ...; h) if the first mobile unit is active, transmitting an alert ...; and i) displaying a window on the display ... and allowing the user to enter a command ...
10. Inventions III and IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention III has separate utility such as a **wireless mobile network unit**, comprising: a) an input device ...; b) a display device ... , c) a processor ...; d) a transmitting device ... ; and e) a memory ...
11. Inventions III and V are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention III has separate utility such as a **wireless mobile network unit**, comprising: a) an input device ...; b) a display device ... , c) a processor ...; d) a transmitting device ... ; and e) a memory ...

12. Inventions IV and V are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention IV has separate utility such as a **wireless network** comprising: a) at least one host computer processor ...; b) a plurality of access point ...; and c) mobile wireless network units ...
13. For example, the searches for the four inventions would not be co-extensive because these groups would require different searches on PTO's classification class and subclass as following:
- 1) The Group I search (claims 1-6, 12-17 and 25-30) would require use of search class 455, subclass 412.2 (which would not required for the groups II to V).
  - 2) The Group II search (claims 7 and 31) would require use of search class 709, subclass 227 (which would not required for the groups I, III to V).
  - 3) The Group III search (claims 8-10) would require use of search class 455, subclass 95 (which would not required for the groups I, II, IV and V).
  - 4) The Group IV search (claim 11) would require use of search class 455, subclass 3.01 (which would not required for the groups I to III and V).
  - 5) The Group V search (claims 18-24 and 32-38) would require use of search class 709, subclass 237 (which would not required for the groups I to IV)/
14. Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed.
15. Applicant is reminded that the required for response to this requirement is **30 days, not one month.**
16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The references are cited in the Form PTO-892 for the applicant's review.

A shortened statutory period for response to this action is set to expire 3 (three) months and 0 (zero) days from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Krisna Lim whose telephone number is (703) 305-9672. The examiner can normally be reached on Monday-Friday from 7:30 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Glenton Burgess, can be reached at (703) 305-4772. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9700

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [glen.burgess@uspto.gov].

All Internet e-mail communication will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirement of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Office Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

KI

October 1, 2004



KRISNA LIM  
PRIMARY EXAMINER